

FILED  
U.S. DISTRICT COURT

Thomas M. Burton (USB 00518) (CSB035856)  
P. O. Box 1619  
Salt Lake City, Utah 84110  
(801) 918-1656  
thomasburtonlaw@aol.com

2014 FEB 18 12:42  
DISTRICT OF UTAH  
BY: DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT**

**IN AND FOR THE DISTRICT OF UTAH**

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<b>BEN HINMAN, individually</b>	}	<b>COMPLAINT FOR NEGLIGENCE AND BREACH OF FUDUCIARY</b>
<b>Plaintiff,</b>		<b>DUTY</b>
<b>vs.</b>	}	<b>Case: 1:14cv00015 Assigned To : Nuffer, David Assign. Date : 2/18/2014 Description: Hinman v Island View Academy et al</b>
<b>Island View Academy; Provo Canyon School</b>		<b>Defendants</b>

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**Come now the plaintiff, Ben Hinman who alleges as follows:**

## **NATURE OF THE CASE**

1. Compounds like Island View Academy and Provo Canyon School fraudulently market themselves as boarding schools, academies, therapeutic treatment centers, ranches, or wilderness programs. Their advertised purpose is behavior modification treatment for troubled teens. The credentials are minimal while their fees are extravagant.
2. Ben Hinman was thrust into Island View Academy and Provo Canyon School by his family without the slightest understanding of what he was getting into, and had no choice in the matter.

## **JURISDICTION AND VENUE**

3. This action arises under the Thirteenth and Fourteenth Amendments to the Constitution of the United States, Articles 1 and 7 to the Utah Constitution. This court has jurisdiction of this cause under and by virtue of Title 28 of the United States Code Section 1331, diversity of citizenship.

## **PARTIES**

4. Plaintiff Ben Hinmen is a citizen of the State of California.
5. Island View Academy and Provo Canyon School are citizens of Utah.
6. Island View Academy and Provo Canyon School are Utah licensed residential treatment centers enabled under laws that are unconstitutional and accompanying regulations to lock up minors at the behest of whoever can demonstrate custody or

control over them so as to keep them for indefinite lengths of time at their discretion without oversight, investigation, monitoring, evaluation, or any meaningful regulation so long as the fees are paid and the state of Utah derives large tax revenues from the licensees.

## **FACTS**

7. Island View Academy and Canyon View School putting Ben Hinman into private prisons violated his constitutional rights to privacy, due process, both procedural and substantive, equal protection, free speech, false imprisonment, right to a speedy trial, freedom from seizure, involuntary servitude, and cruel and unusual punishment, and yet the Defendants and its agents are deliberately indifferent to the illegality of their conduct.

## **CLAIM ONE**

(Negligence)

8. Defendants individually had a duty to not imprison a minor without his consent and their locking him up and physically, mentally, and abusing him by keeping him isolated and taking the time off his life that he could of used gaining an education and enjoying the freedom of life without justification was thus negligent.
9. Defendants' individual conduct caused plaintiff severe mental and emotional distress.

**WHEREFORE** plaintiff is entitled general and punitive damages.

## **CLAIM TWO**

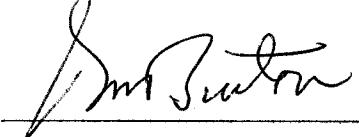
(Breach of Fiduciary Duty)

10. Defendants individually had a fiduciary duty to keep plaintiff safe and to use every effort to assure fair, just, humane, kind, equitable treatment and to act in his best interest.
11. Defendants individually breached their fiduciary duty to the plaintiff and caused severe mental and emotional distress.

**WHEREFORE**, Plaintiff prays for judgment as follows:

- A. Special damages according to proof.
- B. General damages according to proof.
- C. Punitive damages according to proof.
- D. The costs of suit.
- E. Such other relief as is warranted.

Dated: February 15, 2014



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Thomas M. Burton